

Report of:	Meeting	Date	Item no.
Mark Broadhurst, Service Director Health and Wellbeing	Licensing Committee	22 February 2018	6

**Application to vary a Premises Licence – Truth Bar, Poulton-le-Fylde**

**1. Purpose of report**

- 1.1 To assist members to determine an application from Mrs Stephanie Lynn Adkinson to vary premises licence PL(A)0260, in respect of Truth Bar, 33 Market Place, Poulton-le-Fylde, FY6 7BS

**2. Outcomes**

- 2.1 That the application to extend the operating hours at Truth Bar be determined.

**3. Recommendation**

- 3.1 That Members consider the application submitted by the Premises Licence Holder along with the representations from interested parties and determine the application.

**4. Background**

- 4.1 On 27 November 2017, the Licensing Unit received an application from Mrs Stephanie Adkinson, made under section 34 of the Licensing Act 2003 (**Appendix 1**).
- 4.2 The application seeks to extend the permitted hours for the sale of alcohol on Friday and Saturday nights, Bank Holiday Sundays, Christmas Eve, Boxing Day and New Year's Eve, until 02:30 hrs.
- 4.3 The applicant also wishes to extend the hours for live and recorded music to 02:45 on these days and to remain open to the public until 03:00 hrs.
- 4.4 Mrs Adkinson has held Premises Licence PL(A)0260 for the venue since December 2015 (**Appendix 2**).

The Licence currently authorises:-

- The sale of alcohol, for consumption on the premises, between 11:00 hrs and 01:00 hrs, Monday to Sunday.
- Live Music until midnight, Monday to Sunday.
- Recorded Music until 01:30 hrs, Monday to Sunday.
- Facilities for dancing until midnight, Monday to Sunday.
- Late Night Refreshment until 01:00 hrs, Monday to Sunday.

**4.5** Appendix 3 shows the location of the premises.

## **5. Key issues and proposals**

**5.1** Section 35 (3) of the Licensing Act 2003, as amended, requires the Licensing Authority to hold a hearing to consider the application and any relevant representations, within 20 working days following the end of the statutory 28 day consultation period, which ended on 29 January 2018.

**5.2** The application has been advertised in accordance with the Regulations and seven representations have been received from interested parties (**Appendix 4**).

**5.3** The objectors raise concerns over noise levels from the music within the venue, with residents living adjacent to the venue reporting that they are able to identify which song is being played, as the music is that loud.

**5.4** Local residents also raise concerns that the noise and disturbance from patrons outside the venue and particularly when they leave late at night is already an issue for them and they are worried that this disturbance will occur even later into night, if the extension is granted.

**5.5** Reference has also been made to the amount of littering left outside the venue in the form of cigarette detritus, discarded chewing gum, bottles and glasses that the venue allegedly fails to clear away.

**5.6** Environmental Health have been consulted and agreed additional conditions with the applicant to mitigate against nuisance if the operating hours are extended (**Appendix 5**).

**5.7** The Police have been consulted and agreed an additional condition to be included on the operating schedule, if the application to extend beyond the current operating hours is granted (**Appendix 6**).

**5.8** Lancashire Fire and Rescue Service have been consulted and have no objections to the application (**Appendix 7**).

**5.9** Responses have not been received from any of the other Responsible Authorities.

- 5.10** To assist all parties to the hearing, **Appendix 8** is a comprehensive list of the existing and proposed conditions that would form Annex 2 to the Licence, if any extension to the operating hours is granted.
- 5.11** When considering the application Members should take into account the Council's own Statement of Licensing Policy. The following paragraphs are particularly relevant to this application and are reproduced in **Appendix 9**.
- 14.3 Prevention of Public Nuisance
    - 14.3.1 Disturbance by patrons leaving the premises
    - 14.3.3 Noise Nuisance
    - 14.3.5 Litter
- 5.12** Members are also directed to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and in particular paragraphs 2.15, 2.16, 2.17, 2.18, 2.19, 9.38, 10.14, which are reproduced at **Appendix 10**.
- 5.13** If, after having regard to all the representations, the Committee is satisfied that granting the application would undermine one or more of the licensing objectives, it must then consider what steps would be appropriate for the promotion of the licensing objectives.
- 5.14** It may take any of the following steps:
- To modify the conditions of the licence (which includes, altering or omitting existing conditions or adding new ones).
  - To reject the whole or part of the application.

<b>Financial and legal implications</b>	
Finance	There are no financial implications directly associated with this application.
Legal	Any party to the hearing has the right of appeal to the Magistrates Court if they are aggrieved by the decision. The hearing should be conducted following the principles of natural justice and in accordance with the Council's own hearing procedure.

**Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with an x.

risks/implications	✓ / x
community safety	✓
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
data protection	x

report author	telephone no.	email	date
Niky Barrett	01253 887236	Nicola.Barrett@wyre.gov.uk	30/01/2018

List of background papers:		
name of document	date	where available for inspection
Wyre Council Statement of Licensing Policy	2016 - 2021	Licensing section

### **List of appendices**

- Appendix 1 - Application
- Appendix 2 - Premises Licence PL(A) 0260
- Appendix 3 - Location Plan
- Appendix 4 - Representations from Interested Parties x 7
- Appendix 5 - Representation Wyre Environmental Health
- Appendix 6 - Representation Lancashire Constabulary
- Appendix 7 - Representation Lancashire Fire and Rescue Authority
- Appendix 8 - Proposed and agreed conditions
- Appendix 9 - Excerpt from Wyre Statement of Licensing Policy
- Appendix 10 - Excerpt from the Statutory S182 Guidance

arm/rg/lic/cr/18/2202nb1



**(H) Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We **STEPHANIE LYNN ADKINSON**

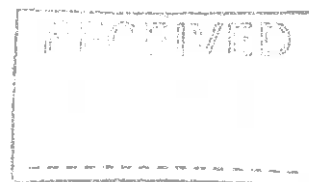
*(Insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	PL (A) 0260
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description	
TRUTH BAR 33 MARKET PLACE POULTON - LE - FYLDE	
Post town	FY6 7BS.
Postcode	



Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 13,250 - 00.

**Part 2 – Applicant details**

Daytime contact telephone number	07710 156339.
E-mail address (optional)	
Current postal address if different from premises address	12. BELGRAVE PLACE 1
Post town	POULTON LE FYLDE
Postcode	FY6 7RR.

Do you want the proposed variation to have effect as soon as possible?

Yes

No

DD MM YYYY

If not, from what date do you want the variation to take effect?

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Please describe briefly the nature of the proposed variation (Please see guidance note 1)

Increase hours on: Friday and Saturday nights  
: Bank Holiday Sundays  
: Christmas Eve  
: Boxing Day.  
: New Year's Eve.

- (A) SALE OF ALCOHOL TO 02.30 am.
- (B) LIVE AND RECORDED MUSIC TO 02.45 am.
- (C) PREMISES TO CLOSE AT 03.00 am.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

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#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

##### **Provision of regulated entertainment**

**Please tick all that apply**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E) ✓
- f) recorded music (if ticking yes, fill in box F) ✓
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Sale by retail of alcohol** (if ticking yes, fill in box J) ✓

**In all cases complete boxes K, L and M**

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed					
Thur			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Fri	11.00	02.45	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5) BANK HOLIDAY SUNDAYS, CHRISTMAS EVE, BOXING DAY, NEW YEAR'S EVE TO 02.45.		
Sat	11.00	02.45			
Sun					



F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed					
Thur			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Fri	11.00	02.45			
Sat	11.00	02.45	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5) BANK HOLIDAY SUNDAYS, CHRISTMAS EVE, BOXING DAY AND NEW YEARS EVE TO 02.45		
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri	11.00	02.30			
Sat	11.00	02.30			
Sun					
			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
			BANK HOLIDAY SUNDAYS, CHRISTMAS EVE BOXING DAY, NEW YEARS EVE TO 02.30		

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).**

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)		
Day	Start	Finish	<p>13</p> <p>PREMISES TO CLOSE AT 03.00 HR ON FRIDAY, SATURDAY, BANK HOLIDAY SUNDAY, CHRISTMAS EVE, BOXING DAY, NEW YEARS EVE.</p>		
Mon					

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Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

SEE SCHEDULE OF PROPOSED CONDITIONS.

REPLACE EXISTING CD 23.

REMOVE PS: 22, 31, 32, 33, 36, 44, 45, 46 + 48.

Please tick as appropriate

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

**M**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

See attached schedule of proposed additional / alternate conditions.

**b) The prevention of crime and disorder**

As (a) above.

**c) Public safety**

As (a) above.

**d) The prevention of public nuisance**

As (a) above.

**e) The protection of children from harm**

As (a) above.

Checklist:

15

Please tick to indicate agreement

I have made or enclosed payment of the fee.

I have sent copies of this application and the plan to responsible authorities and others where applicable.

Michael . MICHAEL WOOSIAM

Date	24/11/17.
Capacity	SOLICITOR FOR APPLICANT.

<b>Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)</b> MICHAEL WOOSIAM . ROLAND ROBINSONS & FENTONS 87 ADELAIDE STREET			
Post town	BLACKPOOL	Post code	FY1 4LX
Telephone number (if any)	01253 621432		
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b> mw@rnf Solicitors . com .			

### Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

- You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
- Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for

Truth  
Proposed conditions

The maximum number of persons to be accommodated in the first floor of the premises at any one time shall be 100. **CD15**

At least one personal licence holder will be available on the Premises after 21:00 while the supply or sale of alcohol is being undertaken (whose identity is known to all other members of staff engaged in the supply or sale of alcohol) except in the case of emergency. **CD23 (This replaces the existing CD23).**

Another member of staff shall be nominated to act for the DPS in their absence whose identity is known to all staff when such absence occurs.

An authorisation signed and dated by the DPS shall be kept at the premises showing all persons authorised to make sales of alcohol at the premises.

Risk assessments carried out by or on behalf of the licence holder which relate to a licensing objective will be available for inspection by an authorised officer.  
A drugs prevention strategy for the venue will be developed and applied. The strategy will include arrangements for the location of posters and the distribution of other information relating to drug risks, the dangers associated with drugs and the legal provisions relating to drug use.

Where there is reasonable suspicion that drugs are being carried, the licensee shall ensure that the outer clothing, pockets and bags of those entering the venue are searched by a trained staff member of the same sex.

Clearly visible notices, in a form prescribed by the Council, shall be displayed advising those attending that: 1. It is a condition of entry that customers agree to be searched and 2. Police will be informed if anyone is found in possession of controlled substances or weapons.

Security arrangements are sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas.

Any customers known to have been previously convicted of committing criminal offences relating to drugs shall be excluded from the premises.

Records of incidents involving the use and / or detection of drugs shall be maintained and those records shall be available for inspection.

Confiscated and found drugs shall be stored, disposed, transferred in accordance with procedures agreed with the Lancashire Constabulary.

Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in and around the premises.

All drinking vessels used at the premises will be made of toughened glass.

An incident book will be maintained in which will be recorded:

- All incidents of crime and disorder.
- Refused sales to suspected underage and drunken persons.
- Any persons asked to leave or who are removed from the premises.
- Details of occasions on which the Police are called to the premises.
- Occasions on which persons are searched on suspicion that drugs are being carried and the reason for such suspicion.

The book will be available for inspection by a police officer.

All members of staff shall receive suitable training with regard to serving drunks and are to receive regular refresher training at intervals of a maximum of 4 months. Records to evidence this will be made available to an authorised officer on request.

Any person within the premises who appears to be intoxicated and who is behaving in a disorderly manner will be asked to conduct themselves correctly and if they refuse will be asked to leave the premises and will be escorted off the premises in a calm and appropriate manner.

No entertainment of an adult or sexual nature will take place on the premises.

The Licence holder is to support and rigorously enforce the Challenge 25 proof of age policy.

Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:

- i. UK photo driving licence
- ii. Passport
- iii. Official ID card issued by HM Forces or European Union bearing a photograph and date of birth of the holder.

If no suitable identification is provided the sale of alcohol will be refused.

All staff involved in the sale of alcohol shall receive suitable training in relation to the proof of age scheme to be applied upon the premises. All such staff to receive regular refresher training at intervals of at least 4 months. Records to evidence this will be made available to officers on request.

Suitable signage will be displayed to show that the Challenge 25 policy is operated. CCTV will be installed internally and externally at the premises and will comply with the following: -

- Appropriate signage alerting customers to CCTV recording must be displayed in conspicuous positions on the premises.

- The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises are to be covered by the system.
- The system will incorporate a camera covering the main entrance doors to the premises.
- Each camera will be capable of providing an image which is regarded as identification standard in all lighting conditions.
- The system will display on any recording the correct time and date of the recording.
- The system will make recordings during all hours that the premises are open to the public.
- Digital recordings will be held for a minimum of 28 days after the recording is made and will be made available to the police or any authorised persons acting for a responsible authority for inspection upon request.
- The system will, as a minimum, record images of the head and shoulders of all persons entering the premises.

A staff member who is conversant with the operation of the CCTV system will be on the premises at all times that the premises are open to the public. This staff member will be able to show police recent data or footage with the absolute minimum of delay, when requested.

The Licence Holder or Designated Premises Supervisor will notify the Police Licensing Unit on any occasion when the CCTV is to be inoperative for a period in excess of one working day and shall provide a certificate from a competent person stating the reason for the system being inoperative and the measures which have been taken to satisfy the licence conditions.

Bi-annual documented maintenance checks of the CCTV system, including the recording system, will be carried out by a suitably qualified CCTV engineer to ensure that the system is in good working order and is operating in compliance with the conditions of this licence.

Table seating shall be provided for a minimum of 70% of the maximum floor area on the ground floor of the premises and set out in such a way that the premises do not become a vertical drinking establishment.

No light from or on the premises and any other light under the control of the premises shall be provided where that light causes a nuisance to any nearby premises. **PPN21**

The Licence Holder shall ensure that staff arriving before 09:00 or leaving late at night when the premises have ceased trading conduct themselves in such a manner as to avoid disturbance to local residents and neighbours. **PPN23**

The volume of amplified sound used in connection with any regulated entertainment shall at all times be under the control of the licensee or management and the controlling mechanism shall be operated from a part of the premises inaccessible to the public.

The departure of customers from the premises shall be effectively managed by staff who will request patrons to leave quietly and avoid causing noise, nuisance or disturbance in



the area.

No customers shall be admitted to the premises 1 hour prior to the end of licensable activities. For the avoidance of doubt this condition shall not apply to those customers who were on the premises prior to the stated times and who exited the premises for the purpose of smoking.

The Licence Holder shall ensure that noise or vibration shall not emanate from the premises such as to cause disturbance to persons in the neighbourhood.

2 SIA door staff will be on duty from 20:00 hours each Friday and Saturday night, Sunday before a bank holiday, Christmas Eve, Boxing Day and New Year's Eve together with an additional door staff after 22:00 for the first 100 customers and a further one for every further 100 or part thereof. At all other times the licence holder will determine an appropriate number of door staff having regard to a risk assessment maintained by the licence holder and which must be available for inspection if required.

A signing in sheet will be completed by each member of door staff on duty at the premises to include the times of their tour of duty, SIA badge number, full name, signature and date of birth. A quantity of blank incident report forms will be kept with this file. All records will be available for inspection on request of a police officer or authorised officer.

A queuing system will be implemented at the main point of entry to assist in the monitoring of customers.

Door staff will remain outside the premises until at least 10 minutes after the last customer has left the premises in order to prevent disorder and nuisance.

Persons under the age of 18 shall only be admitted onto the premises if accompanied by an adult. Except for pre-arranged private functions and ticketed events children under the age of 18 shall vacate the premises by 19:00 unless partaking in a meal.

Functions which specifically target young people aged 17-18 (for example birthday parties) will not be allowed to take place on the premises.

An appropriate device will be utilised by door staff to keep an accurate record of the capacity levels in the Premises to include a separate capacity level of 100 for the first floor bar.

The volume of amplified sound shall not exceed background noise level when measured at the nearest sensitive residential receptor.

A dispersal policy which is agreed by the Police is to be implemented at all times.

The Licenceholder shall ensure that staff departing late at night when the business has ceased trading conduct themselves in such a manner to avoid disturbance to nearby residents.

The Licenceholder will arrange for litter and cigarette debris dropped in the vicinity of the licensed premises to be collected and removed at the end of operating hours.

**IT IS INTENDED THAT THESE CONDITIONS WILL BE ADDED TO THE EXISTING CONDITIONS IN SCHEDULE 2 OF THE PREMISES LICENCE SAVE WHERE IT IS STATED THAT THEY REPLACE A PARTICULAR CONDITION.**

**IT IS FURTHER INTENDED THAT THE CONDITIONS PS22, PS31, PS32, PS33, PS36, PS44, PS45, PS46, AND PS48 BE REMOVED ON THE BASIS THAT THEY ARE PROVIDED FOR IN SEPARATE LEGISLATION.**



**Licensing Act 2003  
Premises Licence**

**PREMISES LICENCE NUMBER**

**PL(A)0260**

**Part 1- Premises Details**

**POSTAL ADDRESS OF PREMISES, OR IF NONE ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**

**FY6 LTD**

33 Market Place  
Poulton-Le-Fylde  
Lancashire  
FY6 7BS

**Telephone number**

**WHERE THE LICENCE IS LIMITED THE DATES THAT APPLY**

Not Applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- E.Live music-Indoors
- F.Recorded music-Indoors
- J.Facilities for dancing-Indoors
- L.Late night refreshment-Indoors
- M.Sale of alcohol ON the premises

## LICENSABLE ACTIVITIES/AUTHORISED TIMINGS

E.Live music-Indoors MONDAY TO SUNDAY	11:00 - Midnight
F.Recorded music-Indoors MONDAY TO SUNDAY	11:00 - 01:30
J.Facilities for dancing-Indoors MONDAY TO SUNDAY	19:00 - Midnight
L.Late night refreshment-Indoors MONDAY TO SUNDAY	23:00 - 01:00
M.Sale of alcohol ON the premises MONDAY TO SUNDAY	11:00 - 01:00

## OPENING HOURS OF THE PREMISES

MONDAY TO SUNDAY 11:00 - 01:30

## Part 2

### NAME, (REGISTERED) ADDRESS OF HOLDER(S) OF PREMISES LICENCE

Mrs Stephanie Lyn Adkinson  
14 Garstang Road East  
Poulton-Le-Fylde  
Lancashire  
FY6 7EH  
EMAIL [stephadders@me.com](mailto:stephadders@me.com)

### REGISTERED NUMBER OF HOLDER, FOR EXAMPLE, COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR  
WHERE THE LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Mrs Stephanie Adkinson

14 Garstang Road East, Poulton-Le-Fylde, Lancashire, FY6 7EH

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY  
THE DESIGNATED PREMISES SUPERVISOR**

Licence No WBCPA1715

Wyre Council

**OPERATING CONDITIONS**

**ANNEX 1 - Mandatory Conditions**

- 1.1 No supply of alcohol may be made under this licence
  - a. at a time when there is no designated premises supervisor in respect of it or,
  - b. at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- 1.2 Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

**Mandatory conditions where Door Supervisors are provided**

All individuals who carry out security activities must be licensed by the Security Industry Authority (SIA)

**Mandatory Licensing Conditions (October 2014)**

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
4. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

## Licensing Act 2003 (Mandatory Licensing Conditions) Order May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
  - (b) "permitted price" is the price found by applying the formula—
$$P = D + (D \times V)$$
where—
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **ANNEX 2**

### **Conditions Consistent with the operating schedule**

#### **Prevention of Crime and Disorder**

CD1 The Designated Premises Supervisor, when present, and all members of staff shall ensure that all lawful instructions and /or directions given by the Police are complied with. (Note, where the premises hold a club premises certificate, there is no requirement for a Designated Premises Supervisor).

CD5 No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery.

CD7 No drink shall be removed from the premises in an unsealed container.

CD23 A personal licence holder shall be on the premises at all times during which intoxicating liquor is being sold or supplied to customers, except in the case of an emergency.

#### **Public Safety**

PS5 All exits and escape routes to those exits (including external escape routes) from the premises shall be provided with non-slip even surfaces and shall be maintained in good repair, correct working order and kept free from all obstructions when the public are on the premises. External escape routes shall also be kept free from ice and snow.

PS7 All doors or gates both inside and outside the premises which are on an escape route shall be fitted only with approved fasteners and shall at all times be properly maintained, free from obstruction and be capable of being opened easily and fully so that they do not restrict the public leaving the premises and shall open in the direction of the escape route.



- PS9 All exit doors and gates from premises or enclosure(s) surrounding it shall be capable of being opened by any person without the use of a key, card, code or other similar means and be kept free from all fastening devices when the premises are open to the public.
- PS17 The furniture or seating in premises shall be arranged so that it does not obstruct any exit, route to any exit or to any facility within the premises
- PS22 No curtain, hanging or any other decoration shall be positioned so as to obstruct any exit, sign or fire fighting equipment.
- PS29 There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.
- PS31 When the public, members or guests are present, the lighting levels in all parts of the premises shall be capable of providing sufficient illumination for the public, members or guests to leave the premises safely .The lighting level should be maintained by an emergency lighting system which will automatically operate when the electricity supply to the main lighting is interrupted.
- PS32 All fire instruction signs shall be illuminated so that they can be easily read at all times when the public, members or guests are present on the premises.
- PS33 The controls for the emergency lighting shall be protected from unauthorised use and accidental operation and the system designed so that the emergency lighting cannot be altered.
- PS36 No temporary electrical wiring or distribution system shall be installed in the premises unless, the installation is carried out by a suitably qualified and competent person. The premises licence holder or Club Premises Certificate holder shall obtain a certificate from that person that the installation is fit for purpose and complies with British Standard 7671 and where applicable, British Standard 7909. A copy of that certificate shall be produced by the Premises Licence Holder or the Club Premises Certificate Holder if requested to do so by an Authorised officer of the Council or an Officer of Lancashire Constabulary and the Fire Rescue Service.
- PS38 The premises shall be provided with adequate lavatory accommodation which shall at all times when the premises are in use be kept clean, ventilated, disinfected and supplied

with hot and cold water, soap, toilet tissue, hand drying and sanitary towel disposal facilities as appropriate.

PS44 No explosive, liquefied petroleum gas or any other highly flammable materials shall be used or stored on the premises unless notified to the Licensing Authority and is used in accordance any guidance given by Lancashire Fire and Rescue Service.

PS45 No pyrotechnics including fireworks shall be used or stored at the premises unless notified to the Licensing Authority and they are used in accordance with any guidance given by Lancashire Fire Service.

PS46 No dry ice machines or cryogenic fog, smoke machines or fog generators shall be used at the premises unless notified to the Licensing Authority and is used in accordance any guidance given by Lancashire Fire Service.

PS48 No strobe light shall be used in premises unless a notice which can be clearly seen and easily read by the public warning that strobe lights are in use in the premises is displayed at each entrance to the premises.

PS52 In no circumstances shall any person be allowed to: -

- (i) sit in any gangway;
- (ii) (ii) stand or sit in front of any exit; or
- (iii) (iii) stand or sit on any staircase including any landing.

### **Prevention of Public Nuisance**

PPN1 The designated premises supervisor or the personal licence holder for the premises who is supervising the sale or supply of alcohol at that time shall not permit customers to congregate and consume alcohol sold or supplied by that premises in a public place within the immediate vicinity of the premises and in an area not so licensed for consumption to the annoyance or obstruction of others and shall prevent the removal of alcohol if it is intended for such a purpose.

PPN10 No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.

PPN11 All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.

PPN12 The noise level from the premises whilst being used for public entertainments purposes shall not exceed the background noise level measured over a 5 minute LEQ measured at the nearest residential properties.

PPN13 The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.

PPN14 There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, (or member and their guests) notices requiring customers to leave the premises and the area quietly. (Note, this may also include a reference to vehicles).

PPN15 Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises.

PPN18 There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.

**Protection of children from harm**

PCH2 No person under the age of 12 years, unless they are accompanied by a person over 18 years, shall be permitted on the premises at any time between 22:00 hrs and 07:00hrs when the premises are being used for the purposes of a licensable activity other than the supply of alcohol.

**ANNEX 3**

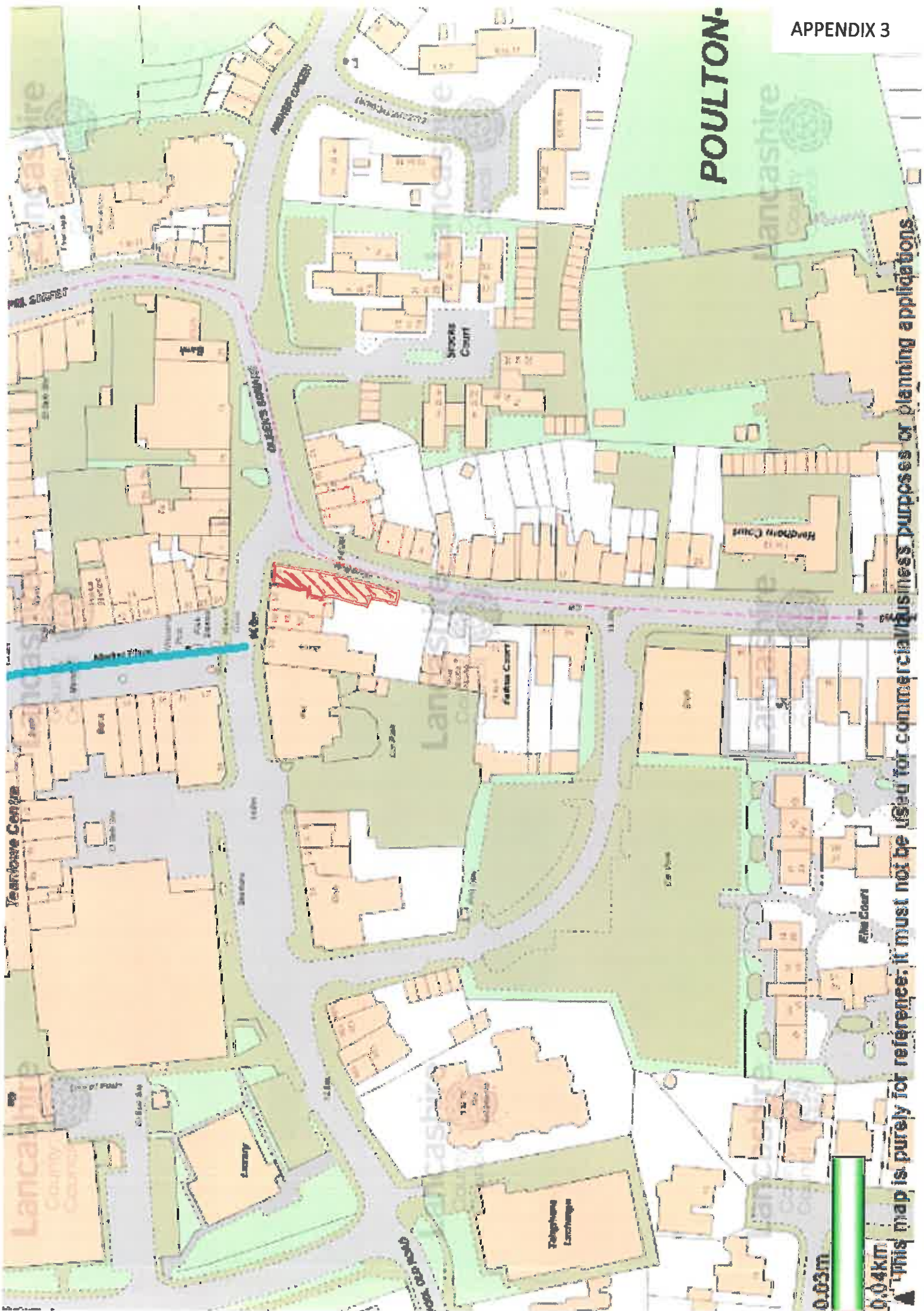
**Conditions attached after a hearing by the licensing authority**

None

**ANNEX 4**  
**Plan**

**First floor and ground floor**  
**Dated: 10 December 1993**

# POULTON.



This map is purely for reference; it must not be used for commercial/business purposes or planning applications.

From:  
Sent: 10 December 2017 17:35  
To: Licensing & Health and Safety <Licensing@wyre.gov.uk>  
Subject: Truth license Poulton

Dear Sir/Madam,

I am writing regarding the potential for TRUTH to be open until 3am. I am a tenant in 27 Market Place and my flat backs onto the car park, with my bedroom looking onto the car park. Since Truth has opened, the noise heard from the club in my flat has been at an unacceptable level, often meaning that I cannot sleep. I have often been woken up in the early hours of the morning due to people from the club arguing and shouting in the car park when the club is closing. The last time this happened, pumpkins were smashed all over the car park, which my car slipped on the following morning.

I have had to constantly ask for measures to be taken to allow me to sleep in my flat, which has including the walls being soundproofed even further. However, on certain nights, the noise is so high that I can tell which song is being played and I could even sing along.

It is such a shame, as I was not aware of the opening of Truth when I rented out the flat and I pay a high proportion of my salary to live in the flat, which is ruined by the disregard shown to tenants in the vicinity of Truth.

I highly hope that the license is not extended.

Best regards,

Abigail Higgins  
Email secured by Check Point

**From:**  
**Sent:** 14 December 2017 14:04  
**To:** Planning <planning@wyre.gov.uk>  
**Subject:** Truth Nightclub poulton

The application to extend the opening hours of the Nightclub to 0245 should not be granted. The area is residential and clubbers leaving at this time will be noisy and disruptive to the neighbourhood. When I moved here I was aware of the opening hours of Gennars (the previous business) but extending the hours to 0245 is not suitable for a residential area.

Please do not grant this extension of the licence.

Sent from my iPad  
Email secured by Check Point

**From:** [REDACTED]  
**Sent:** 19 December 2017 16:21  
**To:** Planning <planning@wyre.gov.uk>  
**Subject:** re Application to extend opening hours at Truth Poulton

**Hello**

We wish to object to the application by Truth to extend their already late licensing hours for the following reasons:

- the business is in extremely close proximity to many residential properties, including our own, and already causes late night noise
- customers at Truth are already causing unsightly mess directly outside the entrance, including cigarettes, cigarette packets and large amounts of discarded chewing gum. This area is a direct walking route into the town centre and I suggest that a member of the council should inspect it for themselves to appreciate the disgusting mess

We hope you will take these objections into consideration and refuse the application.

Regards

Peter Hilton

Margaret Hilton

Sent from my iPad  
Email secured by Check Point



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**From:**  
**Sent:** 19 December 2017 11:20  
**To:** Licensing & Health and Safety  
**Subject:** TRUTH BAR LICENCE EXTENSION

I live in the residential building directly next to Truth bar!. Ever since the licence was approved for this bar to go ahead i have had nothing but problems. my bedroom is directly joined to the building and i can and do every single weekend have to listen to there music until the early hours!. how on earth they got a licence granted in the first place is questionable as the beautiful residential building i and the two other ladies that live above me should never have had to put up with the constant up evil this has caused every single weekend. As a Poulton resident who pays a substantial amount not only in rent but in Council tax to now hear that you are actually considering contemplating giving them a 3am license i am appalled to say the least!. My quality of life has been massively effected since this bar has opened, i have to lay in my bedroom listening to the music and at times so loud i have to leave the room, i can also hear people what seem to be using the toilet facilities. The Baines house that is a listed and beautiful building should never of had this license of the bar approved in the first place. I am now having to consider moving out of the place i call my home due to your thoughtless and inconsiderate licensing.

I never ever thought that this was what poulton was about or stood for, money first and residents last. having to listen to not only everything through my bedroom wall but everyone outside my window has seriously diminished my quality of life and feeling once so privileged to be living in a 1700 listed building i am nothing less than disgusted to now hear that you, the so called council for the people of poulton are going to consider this 3am license!.

I shall and will be considering bringing this to the attention of the poulton public and the papers as i feel that you have never once considered the long term residents that live in one of poultons oldest listed buildings.

John Webster

Email secured by Check Point

**From:**  
**Date:** 20 December 2017 22:19:03 GMT  
**To:** [licensing@wyrebc.gov.uk](mailto:licensing@wyrebc.gov.uk)  
**Subject:** License at Truth

Dear Licensing

I have heard that Truth have applied to have their license extended to 3am. This is far too late in a residential area - people hang around outside making noise. It would also alter the dynamics of footfall around Poulton. Currently people coming out of the Cube etc just go down the road for a takeaway or carry on for a taxi. If Truth was open till 3am, people will have to cross through the Market Place/Churchyard/Chapel St to get to any takeaways. As by this time they will have consumed more alcohol there is an increased risk of anti social behaviour - whether it is being "loud" or play fighting and pushing and shoving (with potential for damage to shop doors and windows. By the time they have got their food and consumed it (and dropped the litter) it is quite late.

There will be a knock-on effect for the police and local taxi drivers.

Surely it is better to get people out of Poulton earlier? Poulton does seem to have improved with premises closing earlier.

Regards  
Ann

**Cc:** Barrett, Niky  
**Subject:** RE: Variation to premises licence Truth Bar Poulton

I must object on behalf of the residents of my ward who live close to this establishment.

An extension of hours would impact on the amenity of residents caused by the increase in noise from people standing outside and entering and leaving the premises, these premises are situated in a mostly residential and daytime commercial part of Poulton and therefore should not be subjected to a late night license.

Regards

Cllr. David Henderson  
Breck Ward.  
Leader, Wyre Council.  
Portfolio Holder, Parks and Open Spaces, Street Scene.  
Tel. 01253 893833  
email; [david.henderson@wyre.gov.uk](mailto:david.henderson@wyre.gov.uk)

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**From:**  
**Sent:** 23 December 2017 13:02  
**To:** Licensing & Health and Safety  
**Subject:** Truth Bar extended hours

I object strongly to the proposed extended hours at this bar. Every weekend morning the pavement outside the bar is littered with drinks glasses and wine and beer bottles. These are still there until the afternoon and cause a danger to children should they get kicked and broken. I have a flat in Falkus Court, 10 Hardhorn Road and the situation is the same there, alcohol glasses and bottles left on our wall and thrown and broken near our front door. People do not get more well behaved when they drink until 3am and there are lots of residences that the Truth Bar customers would be disturbing on their way home. If people want this type of establishment then Blackpool is only a couple of miles away and has plenty. Poulton is wonderful because it is not Blackpool and please lets keep it that way.

Please consider you council tax payers and their right to have a safe environment and undisturbed nights.

Thankyou

Regards  
Gill Dennison  
Email secured by Check Point

**From:** Fail, Jonathan  
**Sent:** 07 December 2017 12:31  
**To:**  
**Cc:** Barrett, Niky

Dear Mr Preston

I have been consulted on matters pertaining to the Prevention of Public Nuisance in respect of the application for the extension of hours of a premises licence for the Truth Nightclub, 33 Market Place, Poulton-Le-Fylde, FY6 7BS

To increase hours on : Friday and Saturday Nights ( i.e. Saturday morning and Sunday morning)  
 Bank Holidays (i.e. extension will apply to the morning following the bank holiday)  
 Boxing Day (as above)  
 New Year's Eve (as above)

The extended hours for the above days to apply to the following:-

- To the sale by retail of alcohol will be to 2.30am
- Live and recorded music to 02.45am
- Premises to close at 03.00am

I would have no objections to this event on the condition that the applicant accepts the undernoted conditions for this event. If the applicant does not wish to accept any of the conditions, he must provide reason(s) for this in writing (an email would be acceptable). If no reply is received then it would be assumed all of the conditions have been accepted.

#### **CONDITIONS**

The volume of amplified sound used in connection with any regulated entertainment shall at all times be under the control of the licensee or management and the controlling mechanism shall be operated from a part of the premises inaccessible to the public

The departure of customers from the premises shall be effectively managed by staff who will request patrons to leave quietly and avoid causing noise, nuisance or disturbance in the area.

Door staff will remain outside the premises until at least 10 minutes after the last customer has left the premises in order to prevent disorder and nuisance.

A dispersal policy which is agreed by the police, is to be implemented at all times.



No customers shall be admitted to the premises 1 hour prior to the end of the licensable activities. For avoidance of doubt this condition shall not apply to those customers who were on the premises prior to the stated times and who exited the premises for the purpose of smoking.

The licensee shall ensure that staff departing late at night when the business has ceased trading conduct themselves in such a manner to avoid disturbance to nearby residents.

No light from or on the premises and any other light under the control of the premises shall be provided where that light causes a nuisance to any nearby premises.

The premises licence holder will arrange for litter and cigarette debris dropped in the vicinity of the licensed premises to be collected and removed at the end of operating hours.

If you have any enquiries please contact me.

Wyre Council Licensing Service			
<b>Notification of Mediation Agreement</b>			
<b>Premises Details</b>			
Name of Premises:	Truth		
Premises Address:	33 Market Place, Poulton-le-Fyde		
Post Code:	FY6 7BS		
<b>Responsible Authority</b>			
Service / Department	Lancashire Constabulary		
Officer (Print Name)	PS1747 Helen Parkinson		
	Signature	 PS1747	
<b>Proposed changes to Application (Operational) Schedule</b>			<b>Mark one</b>
Adequate changes proposed during the representation period. No representation made.			X
Some changes proposed. Representation will follow for remaining concerns.			
Some changes made after representation submitted. Continue to hearing.			
Full and adequate proposals made after representation. Representation withdrawn.			
<b>Applicant's consent to amend Licence Application</b>			
I the undersigned am the applicant and hereby authorize Blackpool Licensing Service to amend my application as detailed below. I understand that these amendments may be included as conditions on the Premises Licence should one be issued.			
Applicant's Name (Please print clearly)	Stephanie Adkinson		
Applicant's Usual Signature	 SOLICITOR FOR APPLICANT MICHAEL LOCKSBOTTOM		
Date of signing	13	12	2017
<b>Amendments</b>			
1	<b>The following conditions to be added to the operating schedule:</b>		
1	Seating shall be provided for a minimum of 60% of the maximum floor area on the ground floor of the premises and set out in such a way that it does not become a vertical drinking establishment.		
2	<b>The following conditions to be removed from the operating schedule:</b>		
1.	Table seating shall be provided for a minimum of 70% of the maximum floor area on the ground floor of the premises and set out in such a way that it does not become a vertical drinking establishment.		

2. PCH2 No person under the age of 12 years, unless they are accompanied by a person over 18 years, shall be permitted on the premises at any time between 22:00hrs and 07:00hrs when the premises are being used for the purposes of a licensable activity other than the supply of alcohol.

OFFICIAL



Licensing Department  
Wyre Council  
Civic Centre  
Breck Road  
Poulton-le-Fylde  
FY6 7PU

*Please ask for:*  
*Telephone:*  
*Email:*  
*Your Ref:*  
*Our Ref:*  
*Date:*

Anthony Buschini  
01253 879014  
anthonybuschini@lancsfireandrescue.org.uk  
MCW/AP/97189-2  
W3015731/AB/fh  
13 December 2017

[licensing@wyre.gov.uk](mailto:licensing@wyre.gov.uk)

Dear Sir

#### VARIATION OF PREMISES LICENCE

**Legislation:** Licensing Act 2003  
**Name of Applicant:** Stephanie Adkinson  
**Address of Premises:** Truth Bar, 33 Market Place, Poulton-le-Fylde, FY67BS

The above application has been inspected by the Fire Authority. Although no objection has been raised, a full fire risk assessment must be carried. This assessment must cover the anticipated occupancy figures of the ground and first floor and subsequent available exit routes, staircases and final exits.

**These premises are subject to the Regulatory Reform (Fire Safety) Order 2005. The responsible person is required to carry out a fire risk assessment.**

The Fire Authority may inspect the premises to ensure compliance with the Regulatory Reform (Fire Safety) Order 2005, and the Risk Assessment may be required by the Licensing Authority to satisfy the licensing objective relating to public safety.

If you would like to discuss this, or any other matter of fire safety, please call me on 01253 879014.

Yours faithfully

A handwritten signature in black ink, appearing to read "AB".

Anthony Buschini  
Fire Safety Inspector  
For Chief Fire Officer

cc. Stephanie Adkinson c/o Roland, Robinsons & Fentons - [mw@rrfsolicitors.com](mailto:mw@rrfsolicitors.com)

Fire Safety Protection Department  
Fleetwood Community Fire Station  
Radcliffe Road  
Fleetwood FY7 6UJ



## Annex 2 – agreed and existing conditions

1. The maximum number of persons to be accommodated in the first floor of the premises at any one time shall be 100.
2. Seating shall be provided for a minimum of 60% of the maximum floor area on the ground floor of the premises and set out in such a way that it does not become a vertical drinking establishment.
3. At least one personal licence holder will be available on the Premises after 21:00 while the supply or sale of alcohol is being undertaken (whose identity is known to all other members of staff engaged in the supply or sale of alcohol) except in the case of emergency.
4. Another member of staff shall be nominated to act for the DPS in their absence whose identity is known to all staff when such absence occurs.
5. An authorisation signed and dated by the DPS shall be kept at the premises showing all persons authorised to make sales of alcohol at the premises.
6. Risk assessments carried out by or on behalf of the licence holder which relate to a licensing objective will be available for inspection by an authorised officer.
7. A drugs prevention strategy for the venue will be developed and applied. The strategy will include arrangements for the location of posters and the distribution of other information relating to drug risks, the dangers associated with drugs and the legal provisions relating to drug use.
8. Where there is reasonable suspicion that drugs are being carried, the licensee shall ensure that the outer clothing, pockets and bags of those entering the venue are searched by a trained staff member of the same sex.
9. Clearly visible notices, in a form prescribed by the Council, shall be displayed advising those attending that: A) It is a condition of entry that customers agree to be searched and B) Police will be informed if anyone is found in possession of controlled substances or weapons.
10. Security arrangements are sufficient to discourage the sale and consumption of drugs and shall ensure such arrangements include regular checks of toilet areas.
11. Any customers known to have been previously convicted of committing criminal offences relating to drugs shall be excluded from the premises.
12. Records of incidents involving the use and / or detection of drugs shall be maintained and those records shall be available for inspection.
13. Confiscated and found drugs shall be stored, disposed, transferred in accordance with procedures agreed with the Lancashire Constabulary.

14. Frequent collection of glasses and bottles will be undertaken to ensure that empty containers do not accumulate in and around the premises.
15. All drinking vessels used at the premises will be made of toughened glass.
16. An incident book will be maintained in which will be recorded:
  - All incidents of crime and disorder.
  - Refused sales to suspected underage and drunken persons.
  - Any persons asked to leave or who are removed from the premises.
  - Details of occasions on which the Police are called to the premises.
  - Occasions on which persons are searched on suspicion that drugs are being carried and the reason for such suspicion.The book will be available for inspection by a police officer.
17. All members of staff shall receive suitable training with regard to serving drunks and are to receive regular refresher training at intervals of a maximum of 4 months. Records to evidence this will be made available to an authorised officer on request.
18. Any person within the premises who appears to be intoxicated and who is behaving in a disorderly manner will be asked to conduct themselves correctly and if they refuse will be asked to leave the premises and will be escorted off the premises in a calm and appropriate manner.
19. The Designated Premises Supervisor, when present, and all members of staff shall ensure that all lawful instructions and /or directions given by the Police are complied with.
20. No entertainment of an adult or sexual nature will take place on the premises.
21. The Licence holder is to support and rigorously enforce the Challenge 25 proof of age policy.
22. Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:
  - i. UK photo driving licence
  - ii. Passport
  - iii. Official ID card issued by HM Forces or European Union bearing a photograph and date of birth of the holder.
23. If no suitable identification is provided the sale of alcohol will be refused.
24. All staff involved in the sale of alcohol shall receive suitable training in relation to the proof of age scheme to be applied upon the premises. All such staff to receive regular refresher training at intervals of at least 4 months. Records to evidence this will be made available to officers on request.
25. Suitable signage will be displayed to show that the Challenge 25 policy is operated.

26. CCTV will be installed internally and externally at the premises and will comply with the following: -

- Appropriate signage alerting customers to CCTV recording must be displayed in conspicuous positions on the premises.
- The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises are to be covered by the system.
- The system will incorporate a camera covering the main entrance doors to the premises.
- Each camera will be capable of providing an image which is regarded as identification standard in all lighting conditions.
- The system will display on any recording the correct time and date of the recording.
- The system will make recordings during all hours that the premises are open to the public.
- Digital recordings will be held for a minimum of 28 days after the recording is made and will be made available to the police or any authorised persons acting for a responsible authority for inspection upon request.
- The system will, as a minimum, record images of the head and shoulders of all persons entering the premises.

27. A staff member who is conversant with the operation of the CCTV system will be on the premises at all times that the premises are open to the public. This staff member will be able to show police recent data or footage with the absolute minimum of delay, when requested.

28. The Licence Holder or Designated Premises Supervisor will notify the Police Licensing Unit on any occasion when the CCTV is to be inoperative for a period in excess of one working day and shall provide a certificate from a competent person stating the reason for the system being inoperative and the measures which have been taken to satisfy the licence conditions.

29. Bi-annual documented maintenance checks of the CCTV system, including the recording system, will be carried out by a suitably qualified CCTV engineer to ensure that the system is in good working order and is operating in compliance with the conditions of this licence.

30. No customers shall be admitted to the premises 1 hour prior to the end of licensable activities. For the avoidance of doubt this condition shall not apply to those customers who were on the premises prior to the stated times and who exited the premises for the purpose of smoking.

31. 2 SIA door staff will be on duty from 20:00 hours each Friday and Saturday night, Sunday before a bank holiday, Christmas Eve, Boxing Day and New Year's Eve together with an additional door staff after 22:00 for the first 100 customers and a further one for every further 100 or part thereof. At all other times the licence holder will determine an appropriate number of door staff having regard to a risk assessment maintained by the licence holder and which must be available for inspection if required.

32. A signing in sheet will be completed by each member of door staff on duty at the premises to include the times of their tour of duty, SIA badge number, full name, signature and date

of birth. A quantity of blank incident report forms will be kept with this file. All records will be available for inspection on request of a police officer or authorised officer.

33. A queuing system will be implemented at the main point of entry to assist in the monitoring of customers.
34. An appropriate device will be utilised by door staff to keep an accurate record of the capacity levels in the Premises to include a separate capacity level of 100 for the first floor bar.
35. A dispersal policy which is agreed by the Police is to be implemented at all times.
36. Door staff will remain outside the premises until at least 10 minutes after the last customer has left the premises in order to prevent disorder and nuisance.
37. The departure of customers from the premises shall be effectively managed by staff who will request patrons to leave quietly and avoid causing noise, nuisance or disturbance in the area.
38. The Licence holder will arrange for litter and cigarette debris dropped in the vicinity of the licensed premises to be collected and removed at the end of operating hours.
39. The Licence Holder shall ensure that staff arriving before 09:00 or leaving late at night when the premises have ceased trading conduct themselves in such a manner as to avoid disturbance to local residents and neighbours.
40. Persons under the age of 18 shall only be admitted onto the premises if accompanied by an adult. Except for pre-arranged private functions and ticketed events children under the age of 18 shall vacate the premises by 19:00 unless partaking in a meal.
41. Functions which specifically target young people aged 17-18 (for example birthday parties) will not be allowed to take place on the premises.
42. No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery.
43. No drink shall be removed from the premises in an unsealed container.
44. A personal licence holder shall be on the premises at all times during which intoxicating liquor is being sold or supplied to customers, except in the case of an emergency.
45. The designated premises supervisor or the personal licence holder for the premises who is supervising the sale or supply of alcohol at that time shall not permit customers to congregate and consume alcohol sold or supplied by that premises in a public place within the immediate vicinity of the premises and in an area not so licensed for consumption to the annoyance or obstruction of others and shall prevent the removal of alcohol if it is intended for such a purpose.
46. The volume of amplified sound used in connection with any regulated entertainment shall at all times be under the control of the licensee or management and the controlling mechanism shall be operated from a part of the premises inaccessible to the public.

47. The Licence Holder shall ensure that noise or vibration shall not emanate from the premises such as to cause disturbance to persons in the neighbourhood.
48. The volume of amplified sound shall not exceed background noise level when measured at the nearest sensitive residential receptor.
49. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.
50. The noise level from the premises whilst being used for public entertainments purposes shall not exceed the background noise level measured over a 5 minute LEQ measured at the nearest residential properties.
51. The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.
52. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, (or member and their guests) notices requiring customers to leave the premises and the area quietly. (Note, this may also include a reference to vehicles).
53. No light from or on the premises and any other light under the control of the premises shall be provided where that light causes a nuisance to any nearby premises.
54. Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises.
55. There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
56. All exits and escape routes to those exits (including external escape routes) from the premises shall be provided with non-slip even surfaces and shall be maintained in good repair, correct working order and kept free from all obstructions when the public are on the premises. External escape routes shall also be kept free from ice and snow.
57. All doors or gates both inside and outside the premises which are on an escape route shall be fitted only with approved fasteners and shall at all times be properly maintained, free from obstruction and be capable of being opened easily and fully so that they do not restrict the public leaving the premises and shall open in the direction of the escape route.
58. All exit doors and gates from premises or enclosure(s) surrounding it shall be capable of being opened by any person without the use of a key, card, code or other similar means and be kept free from all fastening devices when the premises are open to the public.
59. The furniture or seating in premises shall be arranged so that it does not obstruct any exit,

route to any exit or to any facility within the premises

60. There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.
61. The premises shall be provided with adequate lavatory accommodation which shall at all times when the premises are in use be kept clean, ventilated, disinfected and supplied with hot and cold water, soap, toilet tissue, hand drying and sanitary towel disposal facilities as appropriate.
62. In no circumstances shall any person be allowed to: -
  - (i) sit in any gangway;
  - (ii) stand or sit in front of any exit; or
  - (iii) stand or sit on any staircase including any landing.

### **14.3 Prevention of Public Nuisance**

Licensed premises have a significant potential to impact adversely on communities through public nuisances, which can arise from their operation. The licensing authority recognises the need to prevent public nuisance to residents, visitors and other businesses from the potential consequence of the operation of licensed premises, whilst balancing the rights of licensed premises to develop their business potential.

In considering what constitutes a public nuisance the Licensing Authority will make a judgement as to whether the effect of the licensable activities on those living or working in the area around the premises is disproportionate or unreasonable. It is accepted that such disturbance could affect small numbers of people and does not need to cause a major disturbance to the whole community. Issues which could be considered as public nuisance are mainly noise, light pollution and litter.

#### **14.3.1 Disturbance by patrons leaving the premises**

Although once patrons have left the curtilage of a licensed premises staff are not able to deal with associated noise and disturbance, those managing the premises should take appropriate measures to minimize noise and disturbance.

Management, staff and door supervisors are encouraged to be proactive in assisting customers to leave the premises in an orderly manner, to reduce the nuisance to neighbours from noise caused by patrons, especially after midnight. Residents can be detrimentally affected by late night venues and premises should look at procedures and staff training to minimize impact on the locality.

#### **14.3.3 Noise Nuisance**

Conditions relating to noise nuisance will normally concern the measures necessary to control the levels of noise emanating from the premises. Any conditions necessary to promote the licensing objective will be tailored to the style and characteristic of particular premises and may include restrictions which ensure that the volume of amplified sound used in connection with entertainment is under the control of the licensee or management and that the controlling mechanism is operated from a part of the premises inaccessible to the public.

Where applications lead to representations about noise, all appropriate conditions will normally be focused on the most sensitive periods. For example music is more problematical when it is played from late evening until the early hours of the morning when nearby residents are attempting to get to sleep. Areas used for smoking may lead to noise issues for nearby residents and where possible designated areas that are away from nearby residents should be used for smoking.

#### **14.3.5 Litter**

The cumulative effects of litter around premises carrying on licensable activities can amount to public nuisance. The licensing authority requires that any premises that can cause litter, be it from a take away food establishment or cigarette debris left by its customers, must remove it at regular intervals.

This is essential for any type of licensed premises (including takeaways) which closes at midnight or beyond.

## Public Nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the

## Determining Applications

- 9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
  - the representations (including supporting information) presented by all the parties;
  - this Guidance;
  - its own statement of licensing policy.



## **Hours of Operation**

- 10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.